

THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.7093 of 1997

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Dated: January 30, 2006

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Between:

Ch. Venkateswarulu, S/o. Venkata Rao
aged 46 years, OCC: Sr. Asst. (P)
E.89596, APSRTC, Khammam Depot,
Khammam.

... Petitioner

and

The Dy. Chief Personnel Manager,
APSRTC, O/o. The Executive Director,
Karimnagar Zone, Karimnagar.

... Respondent

Order:

Petitioner seeks Mandamus declaring the order of the respondent vide

Procdgs.No.P3/544 (11)/96-ED: KBMR dated 17-10-1996 as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondent to issue orders for stepping up the pay of the petitioner on par with the pay of his juniors.

2. Petitioner, working as Sr. Assistant at Khammam Depot of APSRTC, is said to have made a representation for stepping up his pay on par with the pay of his junior, one Mr. A.V.V. Sagar and S. Muralidhar. It is the case of the petitioner that the respondent, by the impugned order, rejected his claim for stepping up of his pay on the ground that he has compared the pay with that of the employees working in Finance Department, which is not a respective Department/Seniority Unit. Hence, he filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the APSRTC.

4. The respondent filed counter affidavit stating that the representation filed by the petitioner has been examined carefully. It is stated that in terms of circular guidelines, i.e. Circular No. PD.113/90 dated 06-10-1990, Clause 6 (b) comparison of pay of senior employees with that of junior employee is permissible only in the respective Department/Seniority unit. Condition (a) of the said guidelines read as under:

a) The comparison of pay of senior employee with that of a junior employee is permissible only in the respective department and seniority unit, i.e., Divisional/Regional/State etc.

5. A reading of the said condition would make it clear that the comparison of pay of senior employee with that of his/her junior employee is permissible only in the respective department and seniority unit. In the present case, petitioner alleges discrimination, i.e. he alleges that his junior's pay is more than his pay. But, as seen from the aforesaid circular, as the person with whom the petitioner is comparing his pay, does not belong to the same department, viz. Personnel Department, in which the petitioner is working, he cannot claim stepping up of his pay on par with the pay of the person who is working in Finance Department.

6. The writ petition is devoid of merit and is accordingly dismissed. No costs.

N.V. RAMANA, J.

January 30, 2006

MRR

